

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 965**

FINAL READING

Introduced by Sullivan, 41.

Read first time January 19, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to education; to amend sections 32-570 and  
2 79-1217, Reissue Revised Statutes of Nebraska; to change  
3 procedures for filling vacancies on school boards; to  
4 provide additional grounds for vacancies on governing  
5 boards of educational service units; and to repeal the  
6 original sections.

7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 32-570, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-570 (1) A vacancy in the membership of a school board  
4 shall occur as set forth in section 32-560 or in the case of  
5 absences, unless excused by a majority of the remaining members  
6 of the board, when a member is absent from the district for a  
7 continuous period of sixty days at one time or from more than two  
8 consecutive regular meetings of the board. The resignation of a  
9 member or any other reason for a vacancy shall be made a part  
10 of the minutes of the school board. The school board shall give  
11 notice of the date the vacancy occurred, the office vacated, and  
12 the length of the unexpired term (a) in writing to the election  
13 commissioner or county clerk and (b) by a notice published in a  
14 newspaper of general circulation in the school district. unless  
15 excused by a majority of the remaining members of the board.

16           (2) A person appointed to fill a vacancy on the school  
17 board of a Class I school district by the remaining members of  
18 the board shall hold office until the beginning of the next school  
19 year. A board member of a Class I school district elected to fill a  
20 vacancy at a regular or special school district meeting shall serve  
21 for the remainder of the unexpired term or until a successor is  
22 elected and qualified.

23           (3) Except as provided in subsection (4) of this section,  
24 a vacancy in the membership of a school board of a Class II, III,  
25 IV, V, or VI school district resulting from any cause other than

1 the expiration of a term shall be ~~temporarily~~ filled by appointment  
2 of a qualified registered voter by the remaining members of the  
3 board. A If the vacancy occurs in a Class II school district prior  
4 to July 1 preceding the general election in the middle of the  
5 vacated term, the appointee shall serve until a registered voter is  
6 elected at such general election for the remainder of the unexpired  
7 term. If the vacancy occurs in a Class III, IV, V, or VI school  
8 district prior to February 1 preceding the general election in  
9 the middle of the vacated term, the appointee shall serve until a  
10 registered voter ~~shall be~~ is nominated at the next primary election  
11 and elected at the following general election for the remainder  
12 of the unexpired term. If the vacancy occurs on or after the  
13 applicable deadline, the appointment shall be for the remainder  
14 of the unexpired term. A registered voter appointed or elected  
15 pursuant to this subsection shall meet the same requirements as the  
16 member whose office is vacant.

17 (4) Any vacancy in the membership of a school board of a  
18 school district described in section 79-549 which does not nominate  
19 candidates at a primary election and elect members at the following  
20 general election shall be ~~temporarily~~ filled by appointment of a  
21 qualified registered voter by the remaining members of the board.  
22 A If the vacancy occurs at least twenty days prior to the first  
23 regular caucus to be held during the term that was vacated,  
24 the appointee shall serve until a registered voter shall be is  
25 nominated and elected to fill the vacancy for the remainder of the

1 term in the manner provided for nomination and election of board  
 2 members in the district. If the vacancy occurred less than twenty  
 3 days prior to the first regular caucus and at least twenty days  
 4 prior to the second regular caucus to be held during the term that  
 5 was vacated, the appointee shall serve until a registered voter is  
 6 nominated and elected to fill the vacancy for the remainder of the  
 7 term in the manner provided for nomination and election of board  
 8 members in the district. If the vacancy occurred less than twenty  
 9 days prior to the second regular caucus held during the term that  
 10 was vacated or after such caucus, the appointment shall be for the  
 11 remainder of the unexpired term.

12 (5) If any school board fails to fill a vacancy on the  
 13 board, the vacancy may be filled by election at a special election  
 14 or school district meeting called for that purpose. Such election  
 15 or meeting shall be called in the same manner and subject to  
 16 the same procedures as other special elections or school district  
 17 meetings.

18 (6) If there are vacancies in the offices of a majority  
 19 of the members of a school board, the Secretary of State shall  
 20 conduct a special school district election to fill such vacancies.

21 Sec. 2. Section 79-1217, Reissue Revised Statutes of  
 22 Nebraska, is amended to read:

23 79-1217 (1) All educational service units shall be  
 24 governed by a board to be known as the Board of Educational  
 25 Service Unit No. . . . . . Until the first Thursday after the first

1 Tuesday in January 2009, the educational service unit board, except  
2 the board of an educational service unit with only one member  
3 school district, shall be composed of one member from each county  
4 and four members at large, all of whom shall reside within the  
5 geographical boundaries of the educational service unit, but no  
6 more than two of the members at large shall be appointed or  
7 elected from the same county unless any one county within the  
8 educational service unit has a population in excess of one hundred  
9 fifty thousand inhabitants or the educational service unit consists  
10 of only one county. Beginning on the first Thursday after the  
11 first Tuesday in January 2009, the educational service unit board,  
12 except the board of an educational service unit with only one  
13 member school district, shall be composed of one member elected to  
14 represent each election district established pursuant to section  
15 79-1217.01. Successors to the members initially appointed pursuant  
16 to section 79-1212 shall be elected pursuant to section 32-515.

17 (2) Vacancies in office shall occur as set forth in  
18 section 32-560, except as otherwise provided in section 79-1212  
19 regarding the requirement to live in the district represented, or  
20 in the case of absences, unless excused by a majority of the  
21 remaining members of the board, when a member is absent from  
22 the geographical boundaries of the educational service unit for a  
23 continuous period of sixty days at one time or from more than two  
24 consecutive regular meetings of the board. Whenever any vacancy  
25 occurs on the board, the remaining members of such board shall

1 appoint an individual residing within the election district of the  
2 educational service unit for which the vacancy exists and meeting  
3 the qualifications for the office to fill such vacancy for the  
4 balance of the unexpired term.

5 (3) Members of the board shall receive no compensation  
6 for their services but shall be reimbursed for the actual and  
7 necessary expenses incurred in the performance of their duties  
8 under the Educational Service Units Act as provided in sections  
9 81-1174 to 81-1177.

10 (4) Except as provided in subsection (5) of this section,  
11 any joint school district located in two or more counties shall  
12 be considered a part of the educational service unit in which the  
13 greater number of school-age children of such joint school district  
14 reside.

15 (5) Any Class I district which is part of a Class VI  
16 district shall be considered a part of the educational service  
17 unit of which the Class VI district is a member. If the Class  
18 VI district has removed itself from an educational service unit,  
19 each Class I district which is part of such Class VI district may  
20 continue its existing membership in an educational service unit  
21 or may change its status relative to membership in an educational  
22 service unit in accordance with section 79-1209. The patrons of a  
23 Class I district maintaining membership in an educational service  
24 unit pursuant to this subsection shall have the same rights and  
25 privileges as other patrons of the educational service unit, and

1 the taxable valuation of the taxable property within the geographic  
2 boundaries of such Class I district shall be subject to the  
3 educational service unit's tax levy established pursuant to section  
4 79-1225.

5 (6) The administrator of each educational service unit,  
6 prior to July 1 of each year in which a statewide primary election  
7 is to be held, shall certify to the election commissioner or county  
8 clerk of each county located within the unit the corporate name  
9 of each school district, as described in section 79-405, located  
10 within the county. If a school district is a joint school district  
11 located in two or more counties, the administrator shall certify to  
12 each election commissioner or county clerk the educational service  
13 unit of which the school district is considered to be a part.

14 (7) Educational service units with only one member school  
15 district shall be governed by the school board of such school  
16 district.

17 Sec. 3. Original sections 32-570 and 79-1217, Reissue  
18 Revised Statutes of Nebraska, are repealed.